

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

KENNETH JOHN HENDRIX

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**Crim. No. 07-246
Civ. No. 12-1959**

ORDER

Petitioner has filed a pro se § 2255 petition to vacate, set aside, or correct his sentence. (*Doc. No. 106.*) The Government has moved to dismiss. (*Doc. No. 109.*) Because I have appointed counsel to represent Petitioner in this matter, I will dismiss the pro se petition without prejudice to Petitioner filing a counseled petition.

AND NOW, this 27th day of November, 2012, it is hereby **ORDERED** that the pro se § 2255 petition (*Doc. No. 106*) is **DENIED WITHOUT PREJUDICE** to the filing of a counseled petition. The Government's Motion to Dismiss (*Doc. No. 109*) is **DENIED** as moot.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.